

HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 3498 (S/S) of 2001

Vijay Prakash Bhatt,
S/o Sri Chandra Mani Bhatt,
Resident of village Bharkot Gammari,
Post-Badhan Gaon,
District Uttarkashi. ----- Petitioner

Versus

1. State of Uttarakhand through Chief Secretary,
2. District Inspector of Schools, Uttarakashi,
3. Principal, Govt. Intermediate College,
Chinyalisaud, Uttarakashi. ----- Respondents

Sri Gopal Narayan, learned counsel for the petitioner.
Sri Paresh Tripathi, learned Brief Holder for the State/respondents,

Hon'ble M.M. Ghildiyal, J.

Heard Sri Gopal Narayan, learned counsel for the petitioner and Sri Paresh Tripathi, learned Brief Holder for State of Uttarakhand/respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:-

- i. Issue a writ, order or direction in the nature of mandamus to pay the balance amount of salary to the petitioner and permit the petitioner to work on the post in question;
- ii. Issue a writ, order or direction which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case;
- iii. Award the cost of the writ petition to the petitioner.

The petitioner is seeking salary for the period he taught to the students in Intermediate College,

Chiniyalisaud, district Uttarkashi. Stand of the petitioner is that he was employed by the respondents to teach Accountancy to the students of Class XI and XII of the College on an honorarium of Rs. 50/- per lecture. The petitioner has submitted that he remained employed, as such, till the year 2001.

In the counter affidavit filed by the respondents it is submitted that the petitioner has been paid honorarium to which he was entitled and there is nothing due to the petitioner in this respect. In support of their version the respondents have also annexed the letter of Principal, Inter College, Chiniyalisaud, district Uttarkashi. From Perusal of this letter, which is annexed as annexure no. C.A.-I, it is clear that the petitioner is not entitled for any relief sought by him in the writ petition.

However in the interest of justice, I deem it fit and proper to direct the petitioner to make representation for the payment of the dues, if any. And, in case, the petitioner files representation to the Competent Authority, the authority concerned, after verifying the facts raised by the petitioner from the College concerned, shall take necessary action on the representation of the petitioner within a reasonable period.

With these directions, the writ petition is finally disposed of. No. order as to costs.

(M.M. Ghildiyal, J.)

November 28, 2007

NCM: